

## PRIOR PROVISIONS

A prior section 503 of act July 26, 1947, ch. 343, was re-numbered section 505 and is classified to section 415 of this title.

## AMENDMENTS

2004—Subsec. (b). Pub. L. 108-458 substituted “Director of National Intelligence” for “Director of Central Intelligence” in introductory provisions.

2002—Subsecs. (b), (c)(1) to (3). Pub. L. 107-306, § 353(b)(3)(C), substituted “congressional intelligence committees” for “intelligence committees” wherever appearing.

Subsec. (c)(4). Pub. L. 107-306, § 353(b)(8), substituted “congressional intelligence committee” for “intelligence committee”.

Subsec. (d). Pub. L. 107-306, § 353(b)(3)(C), substituted “congressional intelligence committees” for “intelligence committees”.

## EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108-458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

**§ 413c. Communications with the Committees on Armed Services of the Senate and the House of Representatives**

**(a) Requests of committees**

The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall, not later than 45 days after receiving a written request from the Chair or ranking minority member of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any existing intelligence assessment, report, estimate, or legal opinion relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, or legal opinion, as the case may be.

**(b) Assertion of privilege**

**(1) In general**

In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any element of the intelligence community shall provide to the Committee making such request the document or information covered by such request unless the President determines that such document or information shall not be provided because the President is asserting a privilege pursuant to the Constitution of the United States.

**(2) Submission to Congress**

The White House Counsel shall submit to Congress in writing any assertion by the President under paragraph (1) of a privilege pursuant to the Constitution.

**(c) Definitions**

In this section:

**(1) Intelligence community**

The term “intelligence community” has the meaning given the term in section 401a(4) of this title.

**(2) Intelligence assessment**

The term “intelligence assessment” means an intelligence-related analytical study of a subject of policy significance and does not include building-block papers, research projects, and reference aids.

**(3) Intelligence estimate**

The term “intelligence estimate” means an appraisal of available intelligence relating to a specific situation or condition with a view to determining the courses of action open to an enemy or potential enemy and the probable order of adoption of such courses of action.

(Pub. L. 110-181, div. A, title X, § 1079, Jan. 28, 2008, 122 Stat. 334.)

## CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2008, and not as part of the National Security Act of 1947 which comprises this chapter.

**§ 414. Funding of intelligence activities**

**(a) Obligations and expenditures for intelligence or intelligence-related activity; prerequisites**

Appropriated funds available to an intelligence agency may be obligated or expended for an intelligence or intelligence-related activity only if—

(1) those funds were specifically authorized by the Congress for use for such activities; or

(2) in the case of funds from the Reserve for Contingencies of the Central Intelligence Agency and consistent with the provisions of section 413b of this title concerning any significant anticipated intelligence activity, the Director of the Central Intelligence Agency has notified the appropriate congressional committees of the intent to make such funds available for such activity; or

(3) in the case of funds specifically authorized by the Congress for a different activity—

(A) the activity to be funded is a higher priority intelligence or intelligence-related activity;

(B) the need for funds for such activity is based on unforeseen<sup>1</sup> requirements; and

(C) the Director of National Intelligence, the Secretary of Defense, or the Attorney General, as appropriate, has notified the appropriate congressional committees of the intent to make such funds available for such activity;

(4) nothing in this subsection prohibits obligation or expenditure of funds available to an intelligence agency in accordance with sections 1535 and 1536 of title 31.

**(b) Activities denied funding by Congress**

Funds available to an intelligence agency may not be made available for any intelligence or intelligence-related activity for which funds were denied by the Congress.

<sup>1</sup> So in original. Probably should be “unforeseen”.